



RE: NW Natural, Riverbank and Beneficial Use Determination Discussions

Ben Hung to: Sean Sheldrake, Dana Bayuk

03/01/2011 04:22 PM

ANDERSON Jim M, Carl Stivers, John Edwards, BURKHOLDER

Cc: Kurt, Patty Dost, "Peterson, Lance", Ryan Barth, Bob Wyatt,
Rob Ede

1 attachment



Draft_Agenda_Gasco_EPA-DEQ_Riverbank_Meeting_3-3-11_updated.pdf

Sean and Dana-

I've attached a draft meeting agenda and issue summary for the riverbank remediation oversight topic. Please let me know if you have any questions prior to the meeting.

Thanks,

Ben

-----Original Message-----

From: Sheldrake.Sean@epamail.epa.gov [mailto:Sheldrake.Sean@epamail.epa.gov]

Sent: Monday, February 28, 2011 2:47 PM

To: Ben Hung

Cc: ANDERSON Jim M; Dana Bayuk; Carl Stivers; John Edwards; BURKHOLDER Kurt;
Patty Dost; Peterson, Lance; Ryan Barth; Bob Wyatt; Rob Ede

Subject: RE: NW Natural, Riverbank and Beneficial Use Determination
Discussions

Ben, EPA needs a list of agenda items, including legal issues by Tuesday in order to participate in the call.

Thank you.

S

Sean Sheldrake, RPM, Unit Diving Officer

USEPA, Region 10

Environmental Cleanup Office

1200 Sixth Avenue, Suite 900, ECL-110

Seattle WA 98101-3140

sheldrake.sean@epa.gov

Phone: 206/553-1220

Region 10 Dive Team:

<http://yosemite.epa.gov/r10/oea.nsf/webpage/dive+team>

Portland Harbor Cleanup: www.epa.gov/region10/portlandharbor

Green Cleanups:

<http://yosemite.epa.gov/R10/extaff.nsf/programs/greencleanups>

Green Cleanups (EPA only):

<http://204.47.216.153:9876/r10/infopage/cleanup.nsf/webpage/greener+cleanups>

Deliveries: Parking Garage mailroom (1st floor)

Visitors: Check-in @ PERC / Service Center on 12th floor:

<http://yosemite.epa.gov/r10/extaff.nsf/PERC/Visiting+Seattle>



635200

From: Ben Hung <bhung@anchoragea.com>
To: Dana Bayuk <BAYUK.Dana@deq.state.or.us>
Cc: Bob Wyatt <rjw@nwnatural.com>, Patty Dost
<pdost@pearllegalgroup.com>, Ryan Barth
<rbarth@anchoragea.com>, John Edwards
<jedwards@anchoragea.com>, Carl Stivers
<cstivers@anchoragea.com>, Rob Ede <robe@hahnenv.com>, Sean
Sheldrake/R10/USEPA/US@EPA, "Peterson, Lance"
<PetersonLE@cdm.com>, ANDERSON Jim M
<ANDERSON.Jim@deq.state.or.us>, BURKHOLDER Kurt
<Kurt.Burkholder@doj.state.or.us>
Date: 02/28/2011 02:34 PM
Subject: RE: NW Natural, Riverbank and Beneficial Use Determination
Discussions

Dana-

Patty has been communicating directly with Kurt with respect to the legal issues on both the riverbank and beneficial use determination topics. We now feel that resolution of both topics could be obtained within one 1.5-hour meeting. Therefore we would like to lock in the 3:00pm to 4:30pm time slot on Thursday March 3rd and cover both topics in the afternoon.

The first half hour could be devoted to the riverbank issue and would include Sean as a participant on behalf of EPA (and Lori if available). The remainder of the time could be devoted to the beneficial use determination issue and would include only DEQ and NW Natural participants.

Please let me know if you have any questions regarding this email.

Thanks,

Ben

From: BAYUK Dana [mailto:BAYUK.Dana@deq.state.or.us]
Sent: Tuesday, February 22, 2011 5:40 PM
To: Ben Hung
Cc: Bob Wyatt; Patty Dost; Ryan Barth; John Edwards; Carl Stivers; Rob Ede; Sean Sheldrake; Peterson, Lance; ANDERSON Jim M; BURKHOLDER Kurt
Subject: NW Natural, Riverbank and Beneficial Use Determination Discussions

Good afternoon Ben.

I checked people's availability for a call or meeting within the next two weeks to discuss the riverbank and beneficial water use determination (BWUD).

DEQ and EPA are available to discuss the riverbank from 3-430pm on Thursday March 3rd. This date/time was one of a few proposed to Sean before knowing NW Natural thought legal issues were involved. As such, I haven't confirmed Lori and/or Kurt are available.

DEQ is available to discuss the beneficial use determination from

10am-12pm on Thursday March 3rd.

I'm proposing these dates/times with the objective of discussing the riverbank and BWUD before the risk assessment scoping meeting that is tentatively scheduled for the week of March 14th. However, as indicated in my e-mail from this morning, DEQ would appreciate receiving from NW Natural: 1) additional information on potential legal issues associated with the riverbank; and 2) a list of the legal topics/issues on the BWUD. This information would be very useful in arranging/preparing for the upcoming discussions.

Let me know if you have questions regarding this e-mail.

Mr. Dana Bayuk, Project Manager
Cleanup & Portland Harbor Section
Oregon Department of Environmental Quality
2020 SW 4th Avenue, Suite 400
Portland, OR 97201
E-mail: bayuk.dana@deq.state.or.us
Phone: 503-229-5543
FAX: 503-229-6899

Please visit our website at <http://www.oregon.gov/DEQ/>

P please consider the environment before printing this email

From: BAYUK Dana
Sent: Tuesday, February 22, 2011 9:22 AM
To: 'Ben Hung'
Subject: RE: NW Natural, Risk Assessment Scoping Meeting

Good morning Ben.

Just got back in the office and read your e-mail. A couple of things to update you on and I have clarifications to the questions you posed in your e-mail.

Updates

There could be a potential problem with all DEQ people being available for the entire meeting on Tuesday March 15th. If you could try to arrange the meeting on your end for the 17th we should be OK.

As far as dates and times for the call/meeting with Sean on the riverbank and Kurt on the BWUD, I'm hoping to get dates/times by end of day today. Regarding the beneficial use determination meeting, I would appreciate you sending me a list of the legal topics/issues so I can let Kurt know why his attendance is being requested.

Clarifications

It appears NW Natural is considering having legal representatives attend meetings generally. DEQ understood from the meeting on January 25th that NW Natural requested their presence at the to-be-scheduled meeting to discuss the beneficial water use determination. Given the upcoming risk assessment meeting is for technical scoping and planning purposes, I don't think there is a need for legal people to attend.

Your e-mail is also the first I've heard that NW Natural may see the riverbank as a legal issue. If this is the case is NW Natural requesting EPA and DEQ legal representatives be available? Additional

information on NW Natural's thoughts regarding the riverbank would be appreciated.

Let me know if you have additional questions after reading this e-mail Ben. Sounds like you had a great time away from the office, but it also appears you didn't have much of an opportunity to ease back into work and the weather.

Mr. Dana Bayuk, Project Manager
Cleanup & Portland Harbor Section
Oregon Department of Environmental Quality
2020 SW 4th Avenue, Suite 400
Portland, OR 97201
E-mail: bayuk.dana@deq.state.or.us
Phone: 503-229-5543
FAX: 503-229-6899

Please visit our website at <http://www.oregon.gov/DEQ/>

Please consider the environment before printing this email

From: Ben Hung [mailto:bhung@anchoragea.com]
Sent: Monday, February 21, 2011 2:16 PM
To: BAYUK Dana
Subject: RE: NW Natural, Risk Assessment Scoping Meeting

Dana-

I'm back! Thanks for your voice mail and following up with this email. (b) (6)
(b) (6)

With respect to the Gasco RA, I am determining internal availability for meetings on Tuesday the 15th and Thursday the 17th and will let you know. One related issue that I'm not sure we resolved is whether DEQ is now comfortable with legal representatives attending these meetings. I would appreciate your feedback on that issue so I can better coordinate our team.

In addition, please let me know what dates and times you are able to nail down for a call with Sean on the riverbank and a meeting with Kurt on the beneficial use determination. Clearly these are legal issues so I expect Patty will need to attend those discussions, as well as a subset of our technical team.

Thanks,

Ben

From: BAYUK Dana [mailto:BAYUK.Dana@deq.state.or.us]
Sent: Thursday, February 17, 2011 4:27 PM
To: Ben Hung
Cc: Bob Wyatt; Patty Dost; Taku Fuji; John Edwards; Carl Stivers; Rob Ede; Amy Nelson; ANDERSON Jim M; LARSEN Henning; PETERSON Jenn L; POULSEN Mike
Subject: NW Natural, Risk Assessment Scoping Meeting

Hello Ben.

I've checked people's schedules and availabilities here for a ½-day meeting to discuss the approach for completing the Gasco uplands risk assessment. Based on their feedback our team is available to meet on the following dates/times:

- Monday March 14th, 830am-1230pm
- Tuesday March 15th, 830am-1230pm
- Thursday March 17th, 830am-1230pm

Let me know if the NW Natural team is available on any of these dates and times and I'll set-up a conference room here.

The timeframe for the meeting is a week later than we originally discussed. In addition to preparing and exchanging documents to facilitate the risk assessment meeting, I propose we use the time prior to the meeting to further address unresolved issues, such as the status of the beneficial use determination and the riverbank. With that in mind, I'll be contacting Sean to arrange a conference call to follow-up on the riverbank, and Kurt for a meeting to discuss the beneficial use determination.

Thanks for coordinating with everyone on your end and let me know if you have any questions regarding this e-mail.

Mr. Dana Bayuk, Project Manager
Cleanup & Portland Harbor Section
Oregon Department of Environmental Quality
2020 SW 4th Avenue, Suite 400
Portland, OR 97201

E-mail: bayuk.dana@deq.state.or.us
Phone: 503-229-5543
FAX: 503-229-6899

Please visit our website at <http://www.oregon.gov/DEQ/>

Please consider the environment before printing this email